



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

OCT 04 2016

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED, #9590 9401 0007 5205 8868 40**  
**GENERAL NOTICE LETTER**  
**URGENT LEGAL MATTER - PROMPT REPLY NECESSARY**

Allied Towing  
c/o Allied Towing Service LLC  
Francis J. Lobrano  
Registered Agent for Allied Towing Service LLC  
147 Keating Dr.  
Belle Chasse, Louisiana 70037



**Re: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;  
CERCLIS #: LAD008434185; General Notice Letter**

Dear Madam/Sir:

The purpose of this letter is to provide Allied Towing (hereinafter is referred to as "Allied Towing" "you" or "your"), with written notice of your potential liability at the SBA Shipyard Superfund Site ("Site") located in Jennings, Jefferson Davis Parish, Louisiana. Information available to the U.S. Environmental Protection Agency ("EPA" or the "Agency") indicates that Allied Towing may be responsible for the cleanup or costs of cleanup of the contamination found at the Site under the Comprehensive Environmental Response, Liability, and Compensation Act ("CERCLA").

Under CERCLA, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such a release or threat or release has occurred at the SBA Shipyard Superfund Site. The EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

**Explanation of Potential Liability**

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

Based on the information collected, the EPA believes that Allied Towing may be liable under Section 107(a) of CERCLA, with respect to the SBA Shipyard Superfund Site, as an arranger, who by contract or agreement, arranged for the disposal, treatment, or transportation of hazardous substances at the Site.

## Site History

The Site is situated on approximately 98 acres of land located in a rural-industrial area at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana 70546. The Site is within Section 19 of Range 2W, Township 105 and is located at the end of Louisiana Highway 3166) which is on the west bank of the Mermentau River. The Site is approximately four miles southeast of downtown Jennings and two miles southwest of the village of Mermentau. The Site is bordered to the north by residents, south and west by wetlands, and east by the Mermentau River and wetlands.

The Site primarily consists of two separately-owned parcels of property, one southern and one northern. The southern and northern properties are generally divided by a property line that runs just north of the large barge slip. Suzanne Smailhall Cornelius, (heir of Louis Smailhall, principal of SBA Shipyards, Inc.) and SBA Shipyards, Inc. (now inactive) own the southern property, which historically was operated as a barge cleaning operation. Bunge Street Properties, LLC, f/k/a Leevac Shipyards, Inc., owns the northern property, which historically was operated as a vessel construction and repair operation.

SBA Shipyards, Inc. ("SBA") began operations at the Site on about 1965. Initially, it performed vessel construction and repair operations on what is now the northern parcel. In the 1970s, SBA constructed the graving dock on the northern parcel and dredged the barge slip and constructed the barge cleaning facility on what is now the southern parcel. Leevac Shipyards, Inc. ("Leevac") entered into a lease with option to purchase for the northern vessel construction and repair facility with SBA in 1993. Leevac operated vessel construction and repair operations on the northern parcel beginning in 1993. Leevac then exercised its option to purchase in 1998 and acquired the northern parcel at that time and continued its operations. SBA continued to operate its barge cleaning operations on the southern parcel up until approximately 2006, when Mr. Smailhall died.

Vessel construction and repair utilized two launch slips with on-land rails to haul and launch vessels and eventually a graving dock with a moving gate where a vessel could enter and the dock de-watered to allow construction and repairs on dry land. Both SBA and Leevac activities included sandblasting, cutting and painting, as well as fabricating and repairing vessels. Barge cleaning operations were conducted by SBA only on the southern parcel. SBA converted a small barge placed on land adjacent to the barge slip into its "boiler barge," which it used to generate steam for use in cleaning barges and it also served as the barge cleaning control room.

SBA cleaned barges and other vessels that had contained as last cargos a variety of materials, including, but not limited to: acrylates, asphalt, carbon tetrachloride, coal tar, coke oven tar, carbon black, carbon oil, , caustic soda, creosote, cumene, black oil and black oil slop, bunker crude, diesel fuel, heavy grease, waste water, ethyl acrylates, kerosene, lube oil, methanol, number 6 oil , rust, scale, styrene, sour gas oil, soy bean oil, sulphuric acid, tallow, and vinyl acetate.

SBA used a large partially buried barge, as well as above-grade tanks constructed from cut-up barges, to store liquids, sludges, solids and other materials during the barge cleaning process. SBA also constructed and used an unlined surface impoundment called the Oil Pit to store liquids, sludges, solids and other materials. Aside from the Oil Pit, SBA used three other unlined surface impoundments, called Water Pits 1, 2 and 3, to receive wastewater, sludges and solids from the barge cleaning process.

In December 10, 2002, EPA entered into an Order and Agreement for Interim Measures/Removal Action (IM/RA) of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Docket No. RCRA-6-2002-0908, pursuant to RCRA Section 3008(h) ("2002 Order/Agreement") with SBA and SSIC Remediation, LLC ("SSIC"), an entity formed by certain former customers of SBA's barge cleaning operations to conduct this work. Interim removal activities were conducted from March 2001 through January 2005 under the 2002 Order/Agreement. Interim removal activities consisted of the removing, solidifying, and recycling and/or disposing off-site the waste in the Oil Pit and Water Pit 2 and then over-excavation of the Oil Pit and Water Pit 2; removal and scrapping of above ground storage tanks; draining and refilling of Water Pit 3; removing all pumpable materials from the partially buried barge and disposing those materials off-site, then welding shut all hatches to that barge; and surface scrapping of all visible materials from a former land treatment unit (FLTU). By letter dated February 24, 2006, EPA Region 6's RCRA branch reviewed and approved the completion report of the IM/RA activities and concluded that the completion report fulfilled the 2002 Order/Agreement. The IM/RA, however, was intended as an interim response; hazardous substance remained onsite after the IM/RA.

In October 2012, the U.S. Coast Guard and the LDEQ responded to a reported release at the barge cleaning portion of the Site from an attempt to scrap the "boiler barge" and the partially buried storage barge by parties contracted by the owner of the southern portion of the Site. During 2014 to 2015, EPA conducted a CERCLA emergency removal action and an Oil Pollution Act of 1990 removal action after LDEQ reported barge scrapping activities and releases of visible liquids at the Site.

Between December 2012 and September 2014, EPA conducted a preliminary assessment, site inspection, and expanded site inspection. As part of EPA activities, the Agency conducted sampling activities at the Site. During those site activities, EPA sampling documented releases or threats of releases of hazardous substances in the subsurface and groundwater of the Site, the Mermentau River, and wetlands surrounding the Site. Numerous hazardous substances were identified at the Site including petroleum hydrocarbons, numerous polycyclic aromatic hydrocarbons, dioxins/furans, metals, and volatile organic compounds. Petroleum and non-petroleum substances found at portions of the Site are or were comingled.

### **Information to Assist You**

The EPA would like to encourage communication between you, other PRPs, and EPA at the Site. The EPA is in the process of negotiating a remedial investigation/feasibility study administrative settlement and order on consent ("ASOC") for the Site with some of the potentially responsible parties. If you'd like to discuss the opportunity to join this ongoing settlement, please contact counsel representing the group of potentially responsible parties below within **30 days** of receipt of this Notice Letter:

Michael A. Chernekoff  
Partner  
Jones Walker LLP  
1001 Fannin St., Ste. 2450  
Houston, Texas 77002  
(713) 437-1827  
[mchernekoff@joneswalker.com](mailto:mchernekoff@joneswalker.com)

We encourage you to give this matter your immediate attention and request. The EPA plans to finalize the ASAOC after the 30-day response period for this General Notice. If you choose not to join the ongoing settlement discussions or pursue other options to satisfy your potential liability with the EPA, the EPA will evaluate enforcement options, including issuing special notice letters to all potentially liable parties known to the EPA at that time.

Also included in this letter to assist you are: the evidentiary documents as Enclosure A; the Small Business Resource Fact Sheet as Enclosure B; and the parties receiving this letter as Enclosure C.

### **Financial Concerns/ Ability-to-Pay Settlements**

The EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. In accordance with Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7), the EPA will review financial information that you submit in order to determine whether you have an inability or a limited ability to pay response costs incurred at the Site. As part of this review, the EPA will take into consideration your overall financial condition and demonstrable constraints on your ability to raise revenue. Based upon the financial information that you may submit, EPA will determine whether it can qualify for a reduction in the settlement amount and/or an alternative payment method within the meaning of Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7).

If you believe that you qualify for a reduction in any settlement amount and/or alternative payment amount under the criteria described in the paragraphs above, please contact Mr. Taltón, at 214-665-7475 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and an information request for your relevant financial information, and you will be asked to submit financial records including business federal income tax returns. If the EPA concludes that you have a legitimate inability to pay the full amount of the response costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, e.g., filing for bankruptcy, you must include the EPA as a creditor. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

### **Resources and Information for Small Businesses**

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and review the EPA guidances regarding these exemptions at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses>. Finally, the EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is enclosed with this letter as Enclosure B and available on the Agency's website at <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

Thank you in advance for your cooperation. We look forward to working closely with you in the future. If you have any questions regarding the notice or any of the documentation included, please contact Mr. Talton at 214-665-7475 or [talton.chuck@epa.gov](mailto:talton.chuck@epa.gov). Questions concerning legal matters should be directed to the EPA site attorney, Ms. I-Jung Chiang, at 214-665-2160 or [chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov). Thank you for your attention to this matter.

Sincerely yours,



Ben Banipal, P.E., Branch Chief  
Technical and Enforcement Branch  
Superfund Division

**Enclosures:**

- A Evidentiary Documents
- B Small Business Resource Fact Sheet
- C Parties Receiving General Notice letter

**CC:**

Allied Towing  
c/o Allied Towing Service LLC  
12608 Hwy 23  
Belle Chase, Louisiana 70037

**ENCLOSURE A**

**SBA SHIPYARD SUPERFUND SITE  
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA  
GENERAL NOTICE LETTER**

**EVIDENTIARY DOCUMENTATION**

**Invoices and/or Marine Chemist Certificates**

SBA SHIPYARDS, INC. PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS			
COMPANY	DATE(S)*	VESSEL NUMBER	PREVIOUS 3 CARGOES
Allied Towing	8/21/85	Kelly	Asphalt, Bunker C
	4/21/86	Kelly	Asphalt
	8/1/86	1-50	Caustic Soda

\* - Based on date from Marine Chemist's Gas Free Certificate

# MARINE CHEMIST CERTIFICATE

SERIAL NO. B135146

SEA 541FYARD

8 21 85

Survey Requested by	Vessel Owner or Agent	Date
KELLY	TANK BARGE	SEA MERMENAU S Y
Vessel	Type of Vessel	Specific Location of Vessel
ASPHALT, BUNKER C	JW COMB	4-00 PM
Last Three (3) Cargoes	Test Method	Time Survey Completed

CARGO TANKS 1-5-----less than 5% LEL, some residue, secured

FORWARD RAKE P&S-----% LEL, some Eureka type coating, SAFE FOR WORKERS, WITH VENTILATION

AFTER RAKE, PORT SIDE-----0% LEL, some Compound H type coating, SAFE FOR WORKERS, WITH VENTILATION

AFTER RAKE, STBD SIDE-----0% LEL, oil film over water, SAFE FOR WORKERS, WITH VENTILATION

AFTER PUMP ROOM-----0% LEL, oil in bilges, SAFE FOR WORKERS, WITH VENTILATION

WING DOUBLE BOTTOMS T P&S, 5S-----SAFE FOR WORKERS, SAFE FOR HOT WORK WITH ATR VENTILATION

WING DOUBLE BOTTOMS 2P&S, 3P&S, 4P&S, 5P 6P&S-0% LEL, some product residue, put water over product, then SAFE FOR HOT WORK on outside bottom to weld ripple to drill hole

SAFE FOR HOT WORK ON MAIN DECK, NOT AGAINST CARGO TANKS

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

**QUALIFICATIONS:** Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list; paraphrased from NFPA 306-1980; Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2):

**SAFE FOR WORKERS:** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that (b) toxic materials in the atmosphere are within permissible concentrations; and that (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS:** Means that in the compartment or space so designated, the requirements of Safe for Workers has not been met.

**SAFE FOR HOT WORK:** Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

**NOT SAFE FOR HOT WORK:** Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

**SAFE FOR REPAIR YARD ENTRY:** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

**CHEMIST'S ENDORSEMENT:** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306-1980 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

"The undersigned acknowledges receipt of this Certificate under Section 2-3 of NFPA 306-1980 and understands conditions and limitations under which it was issued."

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Signed \_\_\_\_\_ Date 8/21/85 Signed \_\_\_\_\_ Marine Chemist

Name

Company

Date

Marine Chemist

Certificate No.



**ENCLOSURE A**

**SBA SHIPYARD SUPERFUND SITE  
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA  
GENERAL NOTICE LETTER**

**EVIDENTIARY DOCUMENTATION**

**Invoices and/or Marine Chemist Certificates**

<b>SBA SHIPYARDS, INC.</b> <b>PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS</b>			
<b>COMPANY</b>	<b>DATE(S)*</b>	<b>VESSEL NUMBER</b>	<b>PREVIOUS 3 CARGOES</b>
Allied Towing	8/21/85	Kelly	Asphalt, Bunker C
	4/21/86	Kelly	Asphalt
	8/1/86	1-50	Caustic Soda

\* - Based on date from Marine Chemist's Gas Free Certificate

# MARINE CHEMIST CERTIFICATE

SERIAL NO. B105146

SSA SHIPYARD

8 21 85

Survey Requested by	Vessel Owner or Agent	Date
KELLY	TANK BARGE	SBA MERMENTAU S Y
Vessel	Type of Vessel	Specific Location of Vessel
ASPHALT, BUNKER C	JW COMB	4-01 PM
Last Three (3) Cargoes	Test Method	Time Survey Completed

CARGO TANKS 1-5-----less than 5% LEL, some residue, secured

FORWARD RAKE P&S-----% LEL, some Eureka type coating, SAFE FOR WORKERS, WITH VENTILATION

AFTER RAKE, PORT SIDE-----0% LEL, some Compound H type coating, SAFE FOR WORKERS, WITH VENTILATION

AFTER RAKE, STBD SIDE-----0% LEL, oil film over water, SAFE FOR WORKERS, WITH VENTILATION.

AFTER PUMP ROOM-----0% LEL, oil in bilges, SAFE FOR WORKERS, WITH VENTILATION

WING DOUBLE BOTTOMS 1 P&S, 5S-----SAFE FOR WORKERS, SAFE FOR HOT WORK WITH ATR VENTILATION

WING DOUBLE BOTTOMS 2P&S, 3P&S, 4P&S, 5P 6P&S-0% LEL, some product residue, put water over w product, then SAFE FOR HOT WORK ON OUTSIDE bottom to weld nipple to drill hole

SAFE FOR HOT WORK ON MAIN DECK, NOT AGAINST CARGO TANKS

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

**QUALIFICATIONS:** Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list, paraphrased from NFPA 306-1980, Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2):

**SAFE FOR WORKERS:** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS:** Means that in the compartment or space so designated, the requirements of Safe for Workers has not been met.

**SAFE FOR HOT WORK:** Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or tube oil tanks or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

**NOT SAFE FOR HOT WORK:** Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

**SAFE FOR REPAIR YARD ENTRY:** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

**CHEMIST'S ENDORSEMENT.** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306-1980 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

The undersigned acknowledges receipt of this Certificate under Section 2-3 of NFPA 306-1980 and understands conditions and limitations under which it was issued.

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Signed _____	Date 8/21/85	Signed _____
Name _____	Company _____	Marine Chemist _____
NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS		Certificate No. _____

J.O. # 964

SERIAL NO. D 18633

SEA S.V. Survey Requested by  
KELLY Vessel  
ASPHALT Last Three (3) Cargoes  
ALLIED TOWING Vessel Owner or Agent  
TANK BARGE Type of Vessel  
On/Le/Usual Test Method  
4-21-86 Date  
SEA/JENNING Specific Location of Vessel  
9:45 PM Time Survey Completed

BOW RAKE VOIDS P/S SAFE FOR WORKERS  
STERN RAKE VOIDS P/S COATED WITH EUREKA PRESERVATIVE

No. 1 Double Bottom (STBD) SAFE FOR WORKERS  
SAFE FOR HOTWORK

DOUBLE BOTTOMS  
No. 1 P/2 P/S/3 P/S/4 P/S/5 P/S/6 P/S - SAFE FOR WORKERS  
ASPHALT BOTTOMS

CARGO TANKS  
No. 1-2-3-4-5 SAFE FOR HOTWORK WITH  
AREA CLEANED OR COVERED  
WITH FIRE RETARDANT  
PUMP ROOM MATERIAL IN WAY & HOTWORK  
FIRE WATCH WITH CHARGE  
FIRE HOSE REQD. ON STAND-BY

VENTS TO CARGO TANKS - SAFE FOR HOTWORK WITH PLUG IN  
OPEN END OF VENT PIPE

PORTABLE AIR VENTILATION REQD. IN WORK TANK.

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

**QUALIFICATIONS:** Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or reissue of Certificate for the space so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list, paraphrased from NFPA 306 Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2).

**SAFE FOR WORKERS.** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations, and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS:** Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

**SAFE FOR HOT WORK:** Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

**NOT SAFE FOR HOT WORK:** Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

**SAFE FOR REPAIR YARD ENTRY.** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

**CHEMIST'S ENDORSEMENT.** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

The undersigned acknowledges receipt of this Certificate under Section 2 3 of NFPA 306 and understands conditions and limitations under which it was issued.

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and restrictions.

Signed: [Signature] Date: 4/21/86  
Company: [Signature] Marine Chemist: [Signature]  
Certificate No. 577

NOTE THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

Survey Requested by SBA S.Y. Vessel Owner or Agent ALLIED Date 8-1-86  
Vessel T-50 Type of Vessel TANK BARGE Specific Location of Vessel SBA/Hennings L  
Last Three (3) Cargoes CAUSTIC SODA Test Method O<sub>2</sub> / LEL / VISUAL Time Survey Completed 3:00 PM

BOW RAKE VOID  
VOID AFT OF BOW RAKE  
CO<sub>2</sub> COMP. (FORWARD)  
SAFE FOR WORKERS  
SAFE FOR HOTWORK  
STERN RAKE VOID  
CO<sub>2</sub> COMP. (AFT) / PORTABLE AIR VENTILATION REQD. IN WORKING  
VOID, FORWARD OF STERN RAKE - 0% LEL / 20.8% OXYGEN  
CHECKED TANK SOUNDING TUBE  
UNABLE TO OPEN HATCH  
CARGO TANKS #1-2-3-4 P/S  
MID TRANSVERSE COFFERDAMS P/S  
SAFE FOR WORKERS  
SAFE FOR HOTWORK  
WING VOID D.B.  
1-2-3-4-5 P/S - 0% LEL / 20.8% OXYGEN  
NOT SAFE FOR WORKERS - SOME CAUSTIC SODA  
THIS VESSEL IS SAFE FOR HOTWORK ON EXTERNAL SHELL AND ON  
OPEN DECK.

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

**QUALIFICATIONS:** Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or reissue of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list, paraphrased from NFPA 306 Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2).

**SAFE FOR WORKERS.** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS** Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

**SAFE FOR HOT WORK.** Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

**NOT SAFE FOR HOT WORK:** Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

**SAFE FOR REPAIR YARD ENTRY:** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

**CHEMIST'S ENDORSEMENT.** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

"The undersigned acknowledges receipt of this Certificate under Section 2.3 of NFPA 306 and understands conditions and limitations under which it was issued."

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Signed

Name

Company

Date

Signed

Marine Chemist

Certificate No.

NOTE THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

**ENCLOSURE B**

**SBA SHIPYARD SUPERFUND SITE  
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA  
GENERAL NOTICE LETTER**

**SMALL BUSINESS RESOURCES FACT SHEET**



*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## **U. S. EPA Small Business Resources**

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies

### **Hotlines, Helplines and Clearinghouses**

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

**Pollution Prevention Clearinghouse**  
[www.epa.gov/opptintr/library/ppicindex.htm](http://www.epa.gov/opptintr/library/ppicindex.htm)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost

**EPA's Home Page**  
[www.epa.gov](http://www.epa.gov)

**Small Business Assistance Program**  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

**Compliance Assistance Home Page**  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

**Office of Enforcement and Compliance Assurance**  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

**Small Business Ombudsman**  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

**Innovative Programs for Environmental Performance**  
[www.epa.gov/partners](http://www.epa.gov/partners)



### Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at <http://www.assistancecenters.net>

#### Metal Finishing

(1-800-AT-NMFRC or [www.nmfrc.org](http://www.nmfrc.org))

#### Printing

(1-888-USPNEAC or [www.pneac.org](http://www.pneac.org))

#### Automotive Service and Repair

(1-888-GRN-LINK or [www.ccar-greenlink.org](http://www.ccar-greenlink.org))

#### Agriculture

(1-888-663-2155 or [www.epa.gov/agriculture](http://www.epa.gov/agriculture))

#### Printed Wiring Board Manufacturing

(1-734-995-4911 or [www.pwbrc.org](http://www.pwbrc.org))

#### Chemical Industry

(1-800-672-6048 or [www.chemalliance.org](http://www.chemalliance.org))

#### Transportation Industry

(1-888-459-0656 or [www.transource.org](http://www.transource.org))

#### Paints and Coatings

(1-800-286-6372 or [www.paintcenter.org](http://www.paintcenter.org))

#### Construction Industry

([www.cicacenter.org](http://www.cicacenter.org))

#### Automotive Recycling Industry

([www.ecarcenter.org](http://www.ecarcenter.org))

#### US / Mexico Border Environmental Issues

([www.bordercenter.org](http://www.bordercenter.org))

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org>

### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses. The Small Business Policy (<http://www.epa.gov/compliance/incentives/smallbusiness>) and

Audit Policy (<http://www.epa.gov/compliance/incentives/auditing>)

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201, in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

***EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.***



## ENCLOSURE C

### **SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA PARTIES RECEIVING GENERAL NOTICE LETTER**

Allied Towing  
c/o Allied Towing Service LLC  
Francis J Lobrano  
Registered Agent for Allied Towing Service LLC  
147 Keating Dr  
Belle Chasse, Louisiana 70037

Allied Towing  
c/o Allied Towing Service LLC  
12608 Hwy 23  
Belle Chase, Louisiana 70037

Koppers Company Inc  
c/o Beazer East Inc  
Jill M Blundon  
Registered Agent for Beazer East Inc  
436 Seventh Ave  
Pittsburgh, Pennsylvania 15219

Koppers Company Inc  
c/o Beazer East Inc  
99 Wood Ave South  
Iselin, New Jersey 08830

Koppers Company Inc  
c/o Beazer East, Inc  
1910 Cochran Rd , Suite 200  
Pittsburgh, Pennsylvania 15220

Higman Marine Service  
c/o Higman Services Corporation  
CT Corporation System  
Registered Agent for Higman Services Corporation  
5615 Corporate Blvd., Suite 400B  
Baton Rouge, Louisiana 70808

Higman Marine Service  
c/o Higman Services Corporation  
Attn Legal Department  
1980 Post Oak Blvd , Suite 1101  
Houston, Texas 77056

Ingram Barge Co.  
CT Corporation System  
Registered Agent for Ingram Barge Co.  
5615 Corporate Blvd., Suite 400B  
Baton Rouge, Louisiana 70808

Ingram Barge Co  
4400 Harding Road  
Nashville, Tennessee 37205

Hall-Buck Marine  
c/o Kinder Morgan Bulk Terminals Inc  
CT Corporation System  
Registered Agent for Kinder Morgan Bulk Terminals Inc.  
5615 Corporate Blvd , Suite 40B  
Baton Rouge, Louisiana 70808

Hall-Buck Marine  
c/o Kinder Morgan Bulk Terminals Inc  
Attn. Legal Department  
7116 Hwy 22  
Sorrento, Louisiana 70778

Hollywood Marine Inc ,  
c/o Kirby Inland Marine, LP  
Registered Agent  
d/b/a CSC-Lawyers Incorporating Service Company  
211 E 7th Street, Suite 620  
Austin, Texas 78701-3136

Hollywood Marine Inc  
c/o Kirby Inland Marine LP  
Corporation Service Co  
Registered Agent for Kirby Inland Marine LP  
320 Somerulos St.  
Baton Rouge, Louisiana 70802-6129

Hollywood Marine Inc  
c/o Kirby Inland Marine LP  
Attn Legal Department  
55 Waugh Dr , Suite 1000  
Houston, Texas 77007

Steuart Transportation Company  
Registered Agent  
National Registered Agents, Inc , of MD  
351 W Camden Street  
Baltimore, Maryland 21201

Steuart Transportation Company  
5454 Wisconsin Avenue, Suite 1600  
Chevy Chase, Maryland 20815

Sabine Towing  
c/o Sabine Towing & Transportation Co. Inc.  
CT Corporation System  
Registered Agent for Sabine Towing & Transportation Co.  
Inc  
5615 Corporate Blvd Suite 400B  
Baton Rouge, Louisiana 70808

Sabine Towing & Transportation Co. Inc  
c/o Sequa Corporation  
Attn. Legal Department  
300 Blaisdell Rd.  
Orangeburg, New York 10962

Sun Oil Company  
c/o Sunoco, Inc  
Corporation Service Company  
Registered Agent for Sunoco, Inc  
1703 Laurel Street  
Columbia, SC 29201

Sun Oil Company  
c/o Sunoco, Inc  
1735 Market Street, Suite LL  
Philadelphia, Pennsylvania 19103

Sun Oil Company  
c/o Sunoco, Inc  
Kevin Dunleavy, Chief Counsel  
Law Department,  
1735 Market Street, Suite LL  
Philadelphia, PA 19103

Sun Terminals of Louisiana  
c/o Sunoco, Inc  
Corporation Service Company  
Registered Agent for Sunoco, Inc.  
1703 Laurel Street  
Columbia, SC 29201

Sun Terminals of Louisiana  
c/o Sunoco, Inc.  
1735 Market Street, Suite LL  
Philadelphia, Pennsylvania 19103

Sun Terminals of Louisiana  
c/o Sunoco, Inc.  
Kevin Dunleavy, Chief Counsel  
Law Department  
1735 Market Street, Suite LL  
Philadelphia, PA 19103

State of Louisiana  
Department of Transportation &  
Development (DOTD)  
P O Box 94245  
Baton Rouge, Louisiana 70802

State of Louisiana  
Department of Transportation &  
Development (DOTD)  
Brandon Brown, General Counsel  
P O. Box 94245  
Baton Rouge, Louisiana 70802

State of Louisiana  
Department of Transportation &  
Development (DOTD)  
Kevin Reed, Ferry Systems Engineer  
P.O Box 94245  
Baton Rouge, Louisiana 70802